

REMARKS/ARGUMENTSClaim 16, 17 and 18 Numbering Errors

In the enclosed amended Claims, Claims 17 and 18 are renumbered per the original Claims. Claim 16 remains currently canceled.

Claim 9 "aft" meaning

"Aft" (a maritime expression) has been changed to "away from user's intended target" and moved to Claim 1.c., the independent claim upon which Claim 9 depends.

Claims 1-18 Rejections Under 35 USC 112 (indefinite)

Independent Claim 1 (and dependent Claims 2-11 and 14, 15, 17 and 18) have been extensively rewritten to particularly point out and distinctly claim the subject matter of the invention. We believe the structure of the device of the subject invention is now clearly and positively specified and distinguished from the prior art. Applicant appreciates the claim structure suggestions and examples provided by Examiner.

Claims 6 and 9 indefinite; different embodiment

Applicant feels Examiner's "indefinite" objection to Claims 6 and 9 have been satisfactorily transversed by currently amended Claims 1, 6 and 9. It should be noted that in the Specification, Drawings and Claims, Applicant never intended to show or imply in any embodiment that the base element (5) is rigidly "attached to the face of the putter", but rather the base is in multi-point "contact" with the face (i.e., the bottom or other horizontal plane across said face) in all embodiments such that users of said device can move user's putter shaft toward or away (aft) from user's intended target (in

a vertical plane) without changing the attitude of said focus beam (it remains parallel to the ground, i.e., the device is not shaft angle sensitive).

Claims 1, 6, and 9 (as currently amended) more clearly describe this distinction. Claim 1 does not require said base and said putter to be attached or detached, only that they are “contacting” each other in a specific manner (such that focused beam remains both in a normal plane with said face and parallel to the ground) even while allowing said user to move said putter’s shaft toward or away from the intended target.

Amended Claims 6 and 9, dependent on Claim 1, require flexible attachment of the device of the present invention to any putter or other club. Nowhere else in the prior art is there a focused beam device which can be attached to any putter or club and yet maintain the beam parallel to the ground (so it does not hit the ground in front of an intended target or shoot skyward over any backstop behind said target) when the device user moves the putter shaft even slightly or unintentionally, toward or away from user’s intended target. This is essential for any meaningful blind aim test where the user can not cheat and improve subsequent aims with a visible prior aim.

#### Primary Distinguishing Properties of Present Invention Over Prior Art

Applicant refers Examiner to the subject Specification (pgs. 3-6) for a comprehensive discussion vs the prior art. A few remarks here, however, might highlight key distinguishing properties between the subject invention and Halsey, Hambly and other prior art.

Any specific golfer can aim some putters more accurately (i.e., the dispersion range of multiple aim attempts) than other putters with different optical appearance, when viewed by the golfer from above with a ball in front, exactly as the golfer would see things during regular play. It is highly desirable for every golfer to have an easy way to aim test many different putters to find the one said golfer aims most accurately.

It is also highly desirable for the center of the dispersion of multiple aim attempts to be on line with the center of the intended target (i.e., aligned). When golfers change either their putters or stance (especially eye position relative to ball position) the center of their aim dispersion changes (left or right and closer to or further from the intended target).

None of the focused beam emitting devices of the prior art allow easy, accurate (i.e., multi-attempt dispersion) blind aim accuracy testing of any putter (or other club).

All prior art attached focused beam aim testing devices are integral with or rigidly attached (in both the horizontal and vertical plane) to the head or shaft of a putter resulting in skyward or ground striking beams during use making blind (prevents use of prior attempts to improve next) multiple attempt (for statistical accuracy) aim testing impossible. All such head or shaft mounted devices also severely alter the optical picture a user sees from above, destroying test realism and accuracy, unless the focus beam emitter is embedded into the putterhead rather than attached to it. Embedded emitters do not allow aim testing of any other putter and are illegal under the United States Golf Association Rules of Golf.

All prior art unattached focused beam aim testing devices severely alter/eliminate any realistic optical picture (as viewed by a user from above) of any putter addressing a ball, unless an assistant removes the ball in front of a putter being tested and replaces it with a focus beam emitting device touching the putterface at two or more points (to establish a normal angle) all while the user attempts (usually unsuccessfully) to keep the putter still and aimed.

Only the present invention permits accurate (multi-attempt) optically realistic (when viewed by a user from above), blind (unaided by user seen results of prior attempt) aim testing with any putter.

Claims 1, 2, 6 and 8 Rejections Under 35 USC 102 anticipated by Halsey

With respect to Claim 1, Halsey's "light mechanism" is rigidly attached to a clubface. The device of the present invention is either multi-point contacting or flexibly attached (in the vertical plane) allowing likely vertical plane shaft angle movement (or test to test variation) by the device user without test destroying ground strikes or skyward shots of the focused beam over the backstop behind the intended target.

With respect to Claim 2, Halsey also uses a visible laser beam, but not per Claim 1 of the present invention. The present invention can also use non-visible energy (Claims 1, 3 and 4 as currently amended).

With respect to Claim 6, Halsey's "base (24)" is rigidly attached to the putterhead." The subject invention is "flexibly attached" (in the vertical plane) to eliminate the test destroying laser beam ground strikes and skyward shots previously discussed.

With respect to Claim 8, Halsey's laser beam can also be adjusted for height (via rotation of laser assembly 14 not base 24), but unlike the present invention its' rigid mounting remains shaft angle sensitive (causing ground strikes or skyward shots).

Halsey's device is highly visible from above, thus destroying any optically realistic sighting picture for the user.

All prior art clubhead or shaft mounted lasers are very time consuming and difficult to accurately attach.

Claims 1, 2, 5, 7, 8, 9, 10 and 13 Rejections Under 35 USC 102(e) by Hambly

With respect to Claim 1, Hambly's device (in all embodiments) is detached not "attached to the front of a golf club as shown on Fig. 11", and is not contacting the face at two or more points per Claim 1 of subject invention. Hambly's device is not a static aim testing device, but rather a dynamic putter stroking device (putter hits ball at one

contact point and moves ball forward to establish stroking line). Hambly's laser is not in the golf ball like the present invention, but rather in the support ball (35) below it. The device is built into a huge highly visible stand or platform (60) with many additional highly visible components (20, 22, 24, 25, 27 and 72) totally destroying any possibility of an optically realistic putter addressing ball sighting picture (when viewed by a device user from above).

With respect to Claim 2, Hambly uses a visible laser, but not per Claim 1 of the subject invention.

With respect to Claim 5 and 7, Hambly's visible base 20 mounted in huge platform 60 is set on the ground or floor and is unattached to the clubhead (although Examiner previously states per Claim 1 above that it is "attached"). The beam, however, is not "at normal angle to the clubface" (ref. Fig. 1, item 37) as stated by Examiner, but rather is in line with the strike path of the moving putterhead (or more accurately somewhere in between the putterhead path and the clubface normal line). No interchangeable bases per Claim 7 are described by Hambly.

With respect to Claims 8 and 9, Hambly does provide mechanical means to maintain height or attitude above the ground, but provides no attitude adjustment means per Claim 8, or flexible (vertical plane) attachment to a clubhead per Claim 9, and neither height adjustment or contact or attachment means per Claim 1.

With respect to Claim 10, the device has a switch activated by a putter strike (and subsequent ball drop) vs remote foot or finger activation per Claim 10 or Claim 11, respectively, and not activation per Claim 1.

With respect to Claim 13, Hambly's device has a huge optionally detachable platform 60 with base 20. Applicant was unable to find any reference to "an elastomer bottom with small projections" per Examiner's reference (Column 3, lines 17-22). In any case, Hambly's base is not structured or used per Applicant's Claim 1.

Hambly uses a totally different means (putter impacting flopping ball) for a totally different purpose (putter dynamic stroke improvement vs static aim testing). The only similarity is Hambly's use of a golf ball like device and laser (his laser is in support ball not golf ball). Hambly is structurally different (two balls, one struck and moving/flopping, normal angle of beam to rear of base and clubface not maintained, etc.) from the present invention and not capable of performing the intended use of the present invention (static aim testing).

Claims 3 and 4, Rejections Under 35 USC 103 (a) (obvious) over Halsey in view of Official Notice

With respect to Claims 3 and 4, they are dependent Claims upon independent Claim 1 which was previously distinguishable from Halsey per the preceding "Distinguishing Properties" and Claims 1, 2, 6 and 8 35 USC 102 remarks (contacting or flexible attachment vs rigid attachment, realistic vs destroyed putter-ball sighting picture, etc.).

Further, with respect to Claims 3 and 4, Applicant acknowledges dozens of golf training aids using visible lasers or other visible light sources. Neither Applicant's search nor Examiner's references, however, identify a single example of use of any non-visible focused beam sources which have unique benefit to the accurate, multi-attempt, blind aim testing only possible with the subject invention. Non-visible focused beams can not be seen by the user (until test competition) making the background screen top shield (Claim 17) unnecessary. Partial ground strikes or skyward shots are likewise not visible, making beam attitude mechanical adjustment means (Claim 8) less demanding or unnecessary. The red/green lasers referenced in the prior art and other focused visible lights are distinguished from the IR, UV, RF and EM non-visible focused beams claimed by the present invention. Given the lack of any

precedence or prior art for the use of non-visible focused energy beams in the golf art generally, and golf aiming or aim testing devices specifically, Applicant respectfully requests reconsideration of "Official Notice of Equivalence" or alternatively requests prior art reference to use of non-visible focused beams in golf aiming or aim testing devices.

Claim 12 Rejection Under 35 USC 103(a) (obvious) over Hambly

Applicant acknowledges Hambly likely weighs more and is much larger (and more visible from above) than the subject invention. Hambly has no remote floor activation button requiring weighting for positioning stability. More importantly, Hambly has a totally different means and purpose (previously described) from the present invention and is unrelated to Claim 1 upon which Claim 12 depends.

Claim 11 Rejection Under 35 USC 103(a) over Halsey in view of Ogden

The finger activation switch is not one of the primary distinguishing features between Halsey and the subject invention (see prior discussion herein). Claim 11 is dependent on Claim 1 which is well distinguished from Halsey (rigid vs contacting or flexible attachment, realistic vs unrealistic obstructed top view of putter addressing ball, etc.).

Conclusion

In view of the above amended Claims and Remarks, it is submitted that the Claims are in condition for allowance. Reconsideration is, therefore, respectfully requested. Allowance of amended Claims 1-18 is solicited.

Respectfully submitted,



John W. Rohrer

Rohrer Technologies, Inc.  
5 Long Cove Road  
York, ME 03909  
(207) 363-5502